



1995 ASSEMBLY BILL 1042

March 18, 1996 - Introduced by Representatives SERATTI, SILBAUGH, GROTHMAN, WOOD, OWENS and OLSEN, cosponsored by Senators FITZGERALD and DRZEWIECKI. Referred to Committee on Children and Families.

1 **AN ACT to create** 765.045 of the statutes; **relating to:** prohibiting marriage
2 between persons of the same sex.

Analysis by the Legislative Reference Bureau

Current law prohibits certain marriages in this state, such as a marriage between persons who are nearer of kin than 2nd cousins or a marriage in which at least one of the persons was divorced less than 6 months before the marriage. If a person who is prohibited from marrying in this state leaves the state for the purpose of marrying in a state where the marriage is valid, the marriage is void in this state. Such a person will be considered to have left this state for the purpose of marrying in the other state if he or she lived in this state within 12 months before the marriage and resumed residence in this state within 18 months after leaving this state, or if he or she maintained a residence in this state the entire time that he or she was away.

This bill prohibits marriages between persons of the same sex in this state. The bill also provides that any marriage between persons of the same sex is void in this state even if the marriage occurred in a state where it was valid, regardless of whether the statute regarding marrying in another state to circumvent the marriage laws of this state applies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 765.045 of the statutes is created to read:
4 **765.045 Prohibition against same-sex marriage.** (1) No marriage may
5 be contracted between persons of the same sex.

